

1 Joshua D. Nadreau (*admitted pro hac vice*)  
2 Fisher & Phillips, LLP  
3 200 State Street, 7<sup>th</sup> Floor  
4 Boston, Massachusetts 02109  
T: 617-722-0044  
E: jnadreau@fisherphillips.com

5 Mark J. Ricciardi  
6 Nevada Bar No. 3141  
7 Fisher & Phillips, LLP  
8 300 S Fourth Street  
9 Las Vegas, Nevada 89101  
T: 702-252-3131  
E: [mricciardi@fisherphillips.com](mailto:mricciardi@fisherphillips.com)

10 | Attorneys for Respondents

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

13 LOCAL JOINT EXECUTIVE BOARD OF  
14 LAS VEGAS,

15                   *ex rel.* NATIONAL LABOR  
RELATIONS BOARD,

17 | Applicant,

18 | v.

19 STATION CASINOS, LLC,  
20 Respondent.

Case No.: 2:22-cv-00100-RFB-NJK

**RESPONDENTS' UNOPPOSED  
MOTION TO MODIFY SCHEDULING  
ORDER**

**(FIRST REQUEST)**

22        Respondent respectfully moves this Court for an Order modifying the current Scheduling  
23        Order (ECF 21) to extend the time for responding to Applicant's Application for Enforcement  
24        of Subpoena Duces Tecum B-1-1CR9TSF by fourteen days from the present deadline of June  
25        10, 2022 until June 24, 2022 pursuant to Local Rule IA 6-1(a). As good cause for Respondent's  
26        motion, Respondent's state as follows:

1       1. This is an action to enforce a subpoena *duces tecum* issued by the National Labor  
 2 Relations Board (NLRB) on behalf of Local Joint Executive Board of Las Vegas (LJEB) in an  
 3 underlying unfair labor practice proceeding before an Administrative Law Judge of the NLRB.  
 4 The subpoena includes 97 separately numbered paragraphs.  
 5

6       2. The NLRB commenced this proceeding on January 20, 2022. LJEB moved to  
 7 intervene on February 10, 2022 (ECF 14), which the Court allowed on February 14, 2022 (ECF  
 8 15). Also on February 14, 2022, the Court ordered the parties to confer on a briefing schedule  
 9 (ECF 16), with which the parties complied, filing a proposed joint schedule on February 18, 2022  
 10 (ECF 17).

12       3. On February 28, 2022, the Court denied the NLRB's Application without  
 13 prejudice (ECF 18).

14       4. No activity occurred in this case between the Court's denial of the petition and a  
 15 subsequent Order issued April 7, 2022 which directed the parties to file either "(1) a joint  
 16 proposed schedule for motion practice and briefing, (2) a joint status report, or (3) dismissal  
 17 papers." (ECF 19).

19       5. The parties filed a joint status report on April 21, 2022 but did not propose a  
 20 briefing schedule. (ECF 20). On April 22, 2022, the Court set the following briefing schedule:

- |   |               |
|---|---------------|
| 22       a. Petitioner's Renewed Request for Relief | May 20, 2022  |
| 23       b. Respondents' Response                   | June 10, 2022 |
| 24       c. Petitioner's Reply                      | June 20, 2022 |

25 (ECF 21).<sup>1</sup>

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27       28       <sup>1</sup> The Court entered the same schedule in a related proceeding, *Local Joint Executive Board of Las Vegas, ex rel. National Labor Relations Board v. Red Rock Resorts, Inc., et al.*, Civ. A. 2:21-cv-01986-RFB-NJK (the "Related Case"). See Docket No. 37 (April 22, 2022).

1       6. On May 20, 2022, LJEB filed its request for relief, styled as Application for  
 2 Enforcement of Subpoena Duces Tecum B-1-1CR9TSF (the “Application). The Application and  
 3 supporting document total 181 pages of material, the majority of which was not part of the record  
 4 previously. Within Petitioner’s Memorandum of Points and Authorities, Petitioner addresses 7  
 5 groupings of specified subpoena requests it is asking the Court to enforce. In total, these 7 groups  
 6 represent 91 separate requests in the challenged subpoenas.

8       7. Responding to the Application will involve review of each of the 91 subpoena  
 9 requests, review of whether the information requested is “relevant and material to the  
 10 investigation[,]”<sup>2</sup> a determination as to whether the request is “unreasonable because it is  
 11 overbroad or unduly burdensome[,]”<sup>3</sup> and review of Respondents’ production to date to  
 12 determine what, if anything within Respondents’ possession, custody, and control has yet to be  
 13 produced. This review will involve the undersigned working with Respondents’ counsel in the  
 14 underlying NLRB matter intensely over a period of several days, if not weeks. Given the press  
 15 of commitments in other matters, high school graduation ceremonies, and previously planned  
 16 vacations, the time to confer is already limited, especially considering Respondents will be  
 17 responding to a similar filing in the Related Case.<sup>4</sup>

20       8. Good cause exists for the following requested modification to the Court’s April  
 21 2022 Scheduling Order, because the additional time will permit Respondents to effectively  
 22 marshal a response to the Application and hopefully narrow the issues in dispute:

- |                                   |               |
|-----------------------------------|---------------|
| 24       a. Respondents’ Response | June 24, 2022 |
| 25       b. Petitioner’s Reply    | July 14, 2022 |

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27       <sup>2</sup> *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005, 1007 (9th Cir. 1996).

28       <sup>3</sup> *Id.*

<sup>4</sup> Respondents note that a similar motion will be filed in the Related Case.

9. Without prejudice to any argument related to the foregoing, LJEB does not oppose the requested modification of the scheduling order, but requests that if the Court grants Respondents' motion, the schedule be further modified to permit LJEB's reply by July 14, 2022 on account of counsel for LJEB having a two-day arbitration hearing in Boston, Massachusetts on June 28 and June 29, the July 4 holiday, and counsel for LJEB scheduled to appear for oral arguments in the Ninth Circuit Court of Appeals in Portland, Oregon on July 8.

10. A proposed order is submitted herewith.

**WHEREFORE**, Respondents respectfully request that the Court grant this unopposed motion and modify the Scheduling Order as requested herein.

Respectfully submitted,

FISHER & PHILLIPS LLP

/s/ Joshua D. Nadreau  
Joshua D. Nadreau (*admitted pro hac vice*)  
Fisher & Phillips, LLP  
200 State Street, 7<sup>th</sup> Floor  
Boston, Massachusetts 02109

Mark J. Ricciardi (Bar #3141)  
Fisher & Phillips, LLP  
300 S Fourth Street  
Las Vegas, Nevada 89101

Attorneys for Respondents

## **CERTIFICATE OF SERVICE**

This is to certify that on the May 25, 2022, the undersigned electronically filed the foregoing Unopposed Motion to Modify Scheduling Order with the U.S. District Court, District of Nevada, and a copy was electronically transmitted from the court to the email addresses on file for:

Eric Myers, Esq.

*/s/ Joshua D. Nadreau*

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Joshua D. Nadreau (admitted *pro hac vice*)

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

LOCAL JOINT EXECUTIVE BOARD OF  
LAS VEGAS,

*ex rel.* NATIONAL LABOR  
RELATIONS BOARD,

**Applicant,**

V.

STATION CASINOS, LLC,  
Respondent.

Case No.: 2:22-cv-00100-RFB-NJK

**ORDER GRANTING  
RESPONDENTS' UNOPPOSED  
MOTION TO MODIFY  
SCHEDULING ORDER**

Pending before the Court is Respondents' Unopposed Motion to Modify the Scheduling Order in this matter (Docket No. 23). The Court finds that good cause exists for the requested modification for the reasons stated therein.

IT IS HEREBY ORDERED that Respondents' Unopposed Motion to Modify the Scheduling Order is **GRANTED**. Respondents are ordered to submit their response to the Local Joint Executive Board of Las Vegas' Application (ECF 38) by June 24, 2022, and the Applicant may submit any reply thereto by July 5, 2022. **NO FURTHER EXTENSIONS WILL BE GRANTED.**

## IT IS SO ORDERED:

Nancy J. Koppe  
United States Magistrate Judge

Dated May 26, 2022.